

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

GEORGE AND CRISTINA FOWLER

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:06CV489-LTS-RHW

STATE FARM FIRE & CASUALTY, et al

DEFENDANTS

ORDER GRANTING MOTION TO QUASH AND PROTECTIVE ORDER

Before the Court is Defendant State Farm's [38] Motion to Quash Plaintiffs' Notice of Deposition of Edward B. Rust, Jr. and Motion for Protective Order. Plaintiffs seek to depose Rust, who is the President, CEO, and Chairman of the Board of Directors at State Farm. In essence, Plaintiffs' purpose in deposing Rust is to explore his knowledge and participation in corporate decision making and policy making in response to insurance claims for Katrina-related property damage. In particular, Plaintiff wishes to explore State Farm's employment of Haag Engineering to prepare engineering reports for policyholders' claims.

The Court has reviewed the pleadings and exhibits on file, and heard oral argument on the motion on February 6, 2007. The Court finds that the motion to quash and for protective order should be granted at this time. Although originally named as a Defendant in this lawsuit, Rust has been dismissed for lack of personal jurisdiction. In his affidavit, Rust stated that he had no personal involvement in the Fowlers' insurance claim, nor in the corporate activity that forms that basis of Plaintiffs' allegations. The Court finds that the information sought by Plaintiffs should be presented in the context of a Rule 30(b)(6) deposition, thereby allowing State Farm to identify the corporate representatives best able to respond to the areas of inquiry about State Farm's corporate policies in response to Katrina claims. However, this Order does not foreclose the

possibility of Rust's deposition in the future should further discovery reveal his personal involvement and direction in the decision making and policy making process regarding the handling of Katrina claims and the employment of Haag Engineering to help with the processing of those claims.

IT IS THEREFORE ORDERED AND ADJUDGED that the [38] Motion to Quash Plaintiffs' Notice of Deposition of Edward B. Rust, Jr. and Motion for Protective Order are GRANTED.

SO ORDERED, this the 6th day of February, 2007.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE